In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 15901 of 2006

Date of Decision: 27.4.2007

Gurbaj Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice L.N. Mittal

Present: Mr. Gaurav, Advocate
for the petitioner.

Mr. B.S. Chahal, AAG, Punjab
for respondents No.1 and 2.

...

J.S. Khehar, J. (Oral).

The instant order will dispose of Civil Writ Petition Nos.15901 of 2006 and 3344 of 2007. Civil Writ Petition Nos.15901 of 2006, was filed by Gurbaj Singh, challenging the action of the respondents in not considering his candidature for appointment as Assistant District Attorney, on contract basis.

Since the process of selection had commenced at the time when the petitioner in Civil Writ Petition Nos.15901 of 2006 approached this Court, we directed the respondents by our order dated 29.9.2006, to consider the candidature of the petitioner in the selection process to be conducted for appointment against the advertised post of Assistant District

Attorney, and to place the result of such consideration in a sealed cover.

Whilst Civil Writ Petition No.15901 of 2006 had raised various legal issues in the process of selection conducted for appointment to the post of Assistant District Attorney, the solitary prayer of the petitioner – Sahib Singh, who approached this Court by Civil Writ Petition No.3344 of 2007, was that the result of the selection process be declared. The prayer made in Civil Writ Petition No.3344 of 2007, could not have been considered before an effective determination of the controversy raised in Civil Writ Petition No.15901 of 2006.

Before embarking upon the controversy raised in Civil Writ Petition No.15901 of 2006, we required the learned counsel for the respondents to produce the result of the selection process conducted for the Ex-servicemen (dependent category), for the post of Assistant District Attorney, advertised for Ferozepur district. Suffice it to state, that the petitioners in both the aforesaid writ petitions were candidates for the post under reference, reserved for Ex-servicemen (dependent category). The result was, accordingly, produced before us in a sealed cover. The sealed cover was opened by us, and on a perusal of the result, we found, that Sahib Singh (petitioner in Civil Writ Petition No.3344 of 2007) had been awarded a total of 29.4 marks in the process of selection, whereas Gurbaj Singh (petitioner in Civil Writ Petition No.15901 of 2006) was awarded 20.3 marks. In the aforesaid view of the matter, it is apparent, that Sahib Singh has higher marks in the process of selection. In the manner facts have unfolded this during the process of our consideration, we are satisfied, that as of now, the controversy raised by the petitioner in Civil Writ Petition No.15901 of 2006 is merely academic in nature, and as such, it is not

necessary to deal with the same while disposing of the instant writ petitions. Since the petitioner – Sahib Singh (in Civil Writ Petition No.3344 of 2007) has higher marks than the petitioner – Gurbaj Singh (in Civil Writ Petition No.15901 of 2006), it is apparent, that Sahib Singh deserves to be appointed against the post of Assistant District Attorney. Ordered accordingly.

Disposed of in the aforesaid terms.

(J.S. Khehar)
Judge.

(L.N. Mittal)
Judge.

27.04.2007
sk.